

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAFILED  
2007 SEP 24 AM 10:39CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**07 MJ 2285**

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 8, U.S.C., Section 1326

Eusebio HURTADO-Garcia,

Deported Alien Found in the

AKA: Santos RENAGA-Hurtado

United States

Defendant

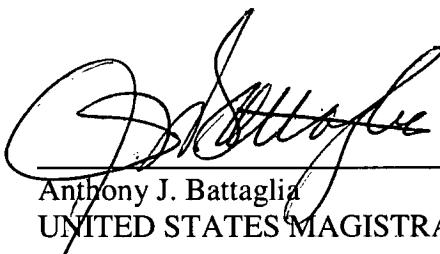
The undersigned complainant, being duly sworn, states:

On or about **September 22, 2007** within the Southern District of California, defendant, **Eusebio HURTADO-Garcia, AKA: Santos RENAGA-Hurtado**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 24th DAY OF SEPTEMBER, 2007

  
\_\_\_\_\_  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Eusebio HURTADO-Garcia**

AKA: Santos RENAGA-Hurtado

**PROBABLE CAUSE STATEMENT**

On September 22, 2007 at approximately 3:45 p.m., Border Patrol Agent E. Bugarin responded to a seismic activation in an area known as 1000 Trails. Agent Bugarin observed a suspected undocumented illegal alien walking northbound on a hill at 1000 Trails. This area is approximately five miles east of the Otay Mesa, California Port of Entry and four miles north of the United States/Mexico International Boundary. Agent Bugarin ordered the individual, later identified as the defendant, **Eusebio HURTADO-Garcia** to stop. The defendant ran up a the hill and after approximately fifteen minutes of searching the hillside immediately north of 1000 Trails, encountered the defendant lying in brush. Agent Bugarin identified himself as a Border Patrol Agent and questioned the defendant as to his citizenship and nationality, the defendant replied Mexico. The defendant was asked if he possessed any immigration documents to be or remain in the United States legally, the defendant replied no. The defendant was arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 17, 2007 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to answer questions without a lawyer present. The defendant stated that he is a citizen and national of Mexico without immigration documents to be in the United States legally. The defendant stated that he knew he was entering illegally and his intended destination was Los Angeles, California to find employment. The defendant stated that he entered by crossing through the mountains near Tijuana, Baja California, Mexico.